



APPLICATION ACCEPTED: December 21, 2011  
BOARD OF ZONING APPEALS: February 29, 2012  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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February 22, 2012

## STAFF REPORT

SPECIAL PERMIT APPLICATION NO. SP 2011-MA-111

### MASON DISTRICT

**APPLICANTS:** Thomas E. Hardesty III  
Judith E. Hardesty

**SUBDIVISION:** Roberts Place

**STREET ADDRESS:** 4412 Roberts Avenue, Annandale, 22003

**TAX MAP REFERENCE:** Tax Map 71-2 ((05)) 9A

**LOT SIZE:** 21,780 square feet

**ZONING DISTRICT:** R-2, Residential  
HC, Highway Corridor

**ZONING ORDINANCE PROVISIONS:** 8-922

**SPECIAL PERMIT PROPOSAL:** To permit reduction of certain yard requirements to permit construction of addition 12.2 feet from side lot line.

**STAFF RECOMMENDATION:** Staff recommends approval of SP 2011-MA-111 for the addition with adoption of the proposed development conditions contained in Appendix 1.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

O:\rhorner\Special Permits\Hardesty\Staff Report Hardesty.doc

Rebecca Horner

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

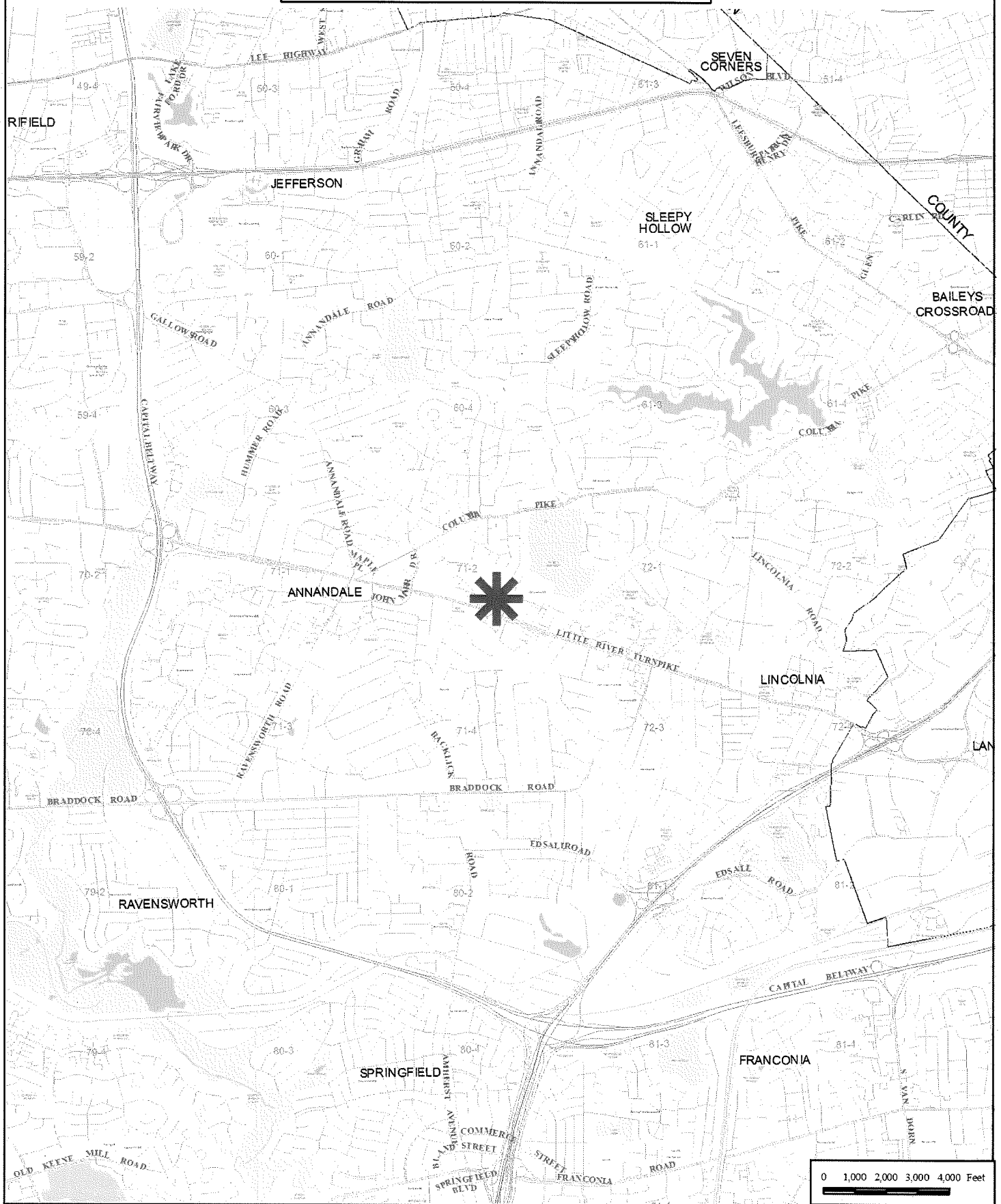
The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

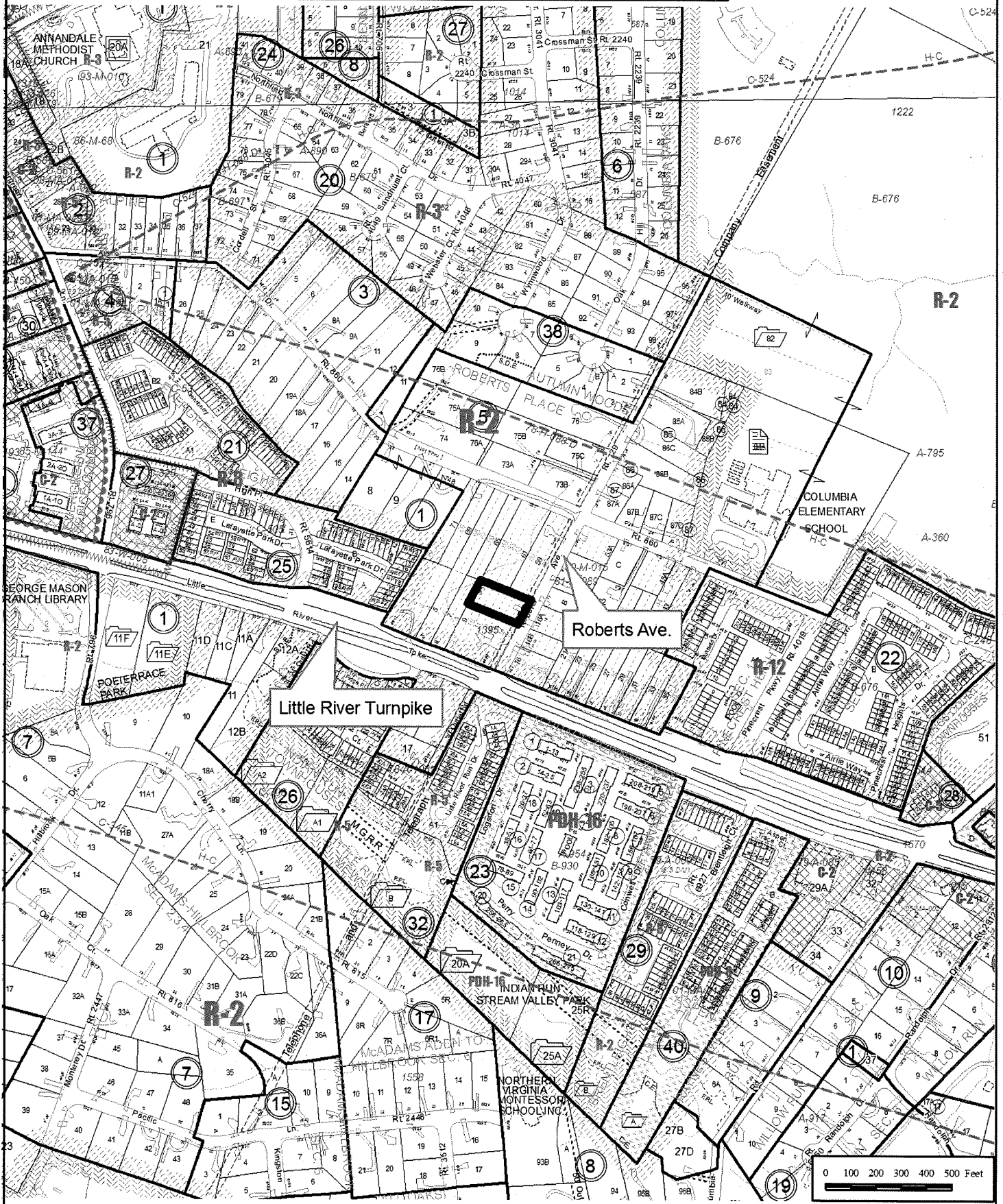


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 7 days advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

**SP 2011-MA-111**  
**THOMAS E. 3RD & JUDITH HARDESTY**



**Special Permit**  
**SP 2011-MA-111**  
**THOMAS E. 3RD & JUDITH HARDESTY**



# GENERAL NOTES

1. THIS PROPERTY IS LOCATED ON TAX MAP 71-2 (65) 94 AND IS ZONED R-2.
2. NO TITLE REPORT FURNISHED. THERE ARE NO UTILITY EASEMENTS 25 FEET WIDE OR GREATER AND NO MAJOR UNDERGROUND UTILITY EASEMENTS PER RECORD PLAT.
3. BOUNDARY INFORMATION TAKEN FROM RECORD PLAT RECORDED AT DEED BOOK 05584, PAGE 0514, DATE OF CONSTRUCTION FOR DWELLING: 1984
4. THIS PROPERTY IS SERVED BY PUBLIC WATER AND SEWER.
5. THERE ARE NO KNOWN CEMETERIES OR PLACES OF BURIAL ON SITE.
6. THERE ARE NO FLOOD PLAINS OR RESOURCE PROTECTION AREAS ON THIS PROPERTY.
7. ALL EXISTING IMPROVEMENTS ON-SITE TO REMAIN UNLESS OTHERWISE NOTED.
8. THERE ARE NO KNOWN HAZARDOUS OR TOXIC SUBSTANCES TO BE GENERATED, UTILIZED, STORED, TREATED AND / OR DISPOSED OF ON-SITE.
9. THE DEVELOPMENT PROPOSED HEREON CONFORMS TO THE PROVISIONS OF ALL APPLICABLE ORDINANCES, REGULATIONS AND ADOPTED STANDARDS, EXCEPT AS NOTED. ANY WAIVER EXCEPTION OR VARIANCE SOUGHT BY THE APPLICANT HAS BEEN SPECIFICALLY NOTED IN THIS SUBMISSION.

## SETBACKS - ZONED R-2

FRONT= 35'  
SIDE= 15'  
REAR= 25'

## OWNERS

THOMAS E 3RD AND JUDITH E HARDESTY  
4412 ROBERTS AVENUE  
ANNANDALE, VA 22003

## TABULATIONS

EX. GROSS FLOOR AREA = 2,450 S.F.  
TOTAL PROPOSED GROSS FLOOR AREA = 2,680  
EX. F.A.R. = 0.11  
PROP. F.A.R. = 0.12

## SPECIAL PERMIT PLAT

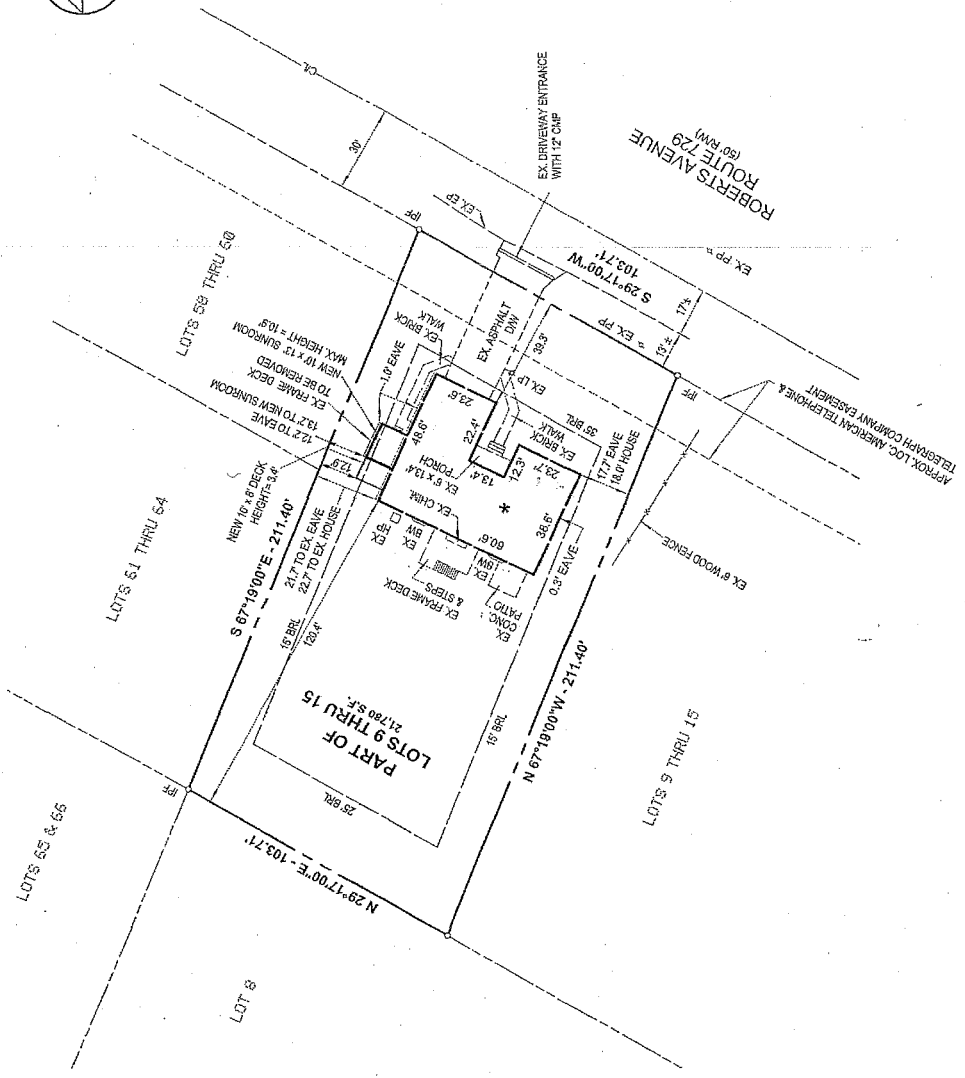
PART OF LOTS 9 THRU 15  
ROBERTS PLACE SUBDIVISION

MASON DISTRICT  
FAIRFAX COUNTY, VIRGINIA  
SCALE: 1"= 30' DATE: 12-05-2011

HAROLD A. LOGAN ASSOCIATES P.C.  
LAND SURVEYING - SITE PLANNING - SUBDIVISION DESIGN  
9114 INDUSTRY DRIVE  
MANASSAS PARK, VA 20111 (703) 330-1988 FAX 890-8132



SHEET  
1 OF 1  
RP 2523



#4412  
EXISTING BRICK WITH BASEMENT  
\* BUILDING HEIGHT = 11.5'

IPF = IRON PIPE FOUND

BRL = BUILDING  
RESTRICTION LINE  
BW = BAY WINDOW  
HP = HEAT PUMP  
LS = LUMBER POST  
PP = POWER POLE





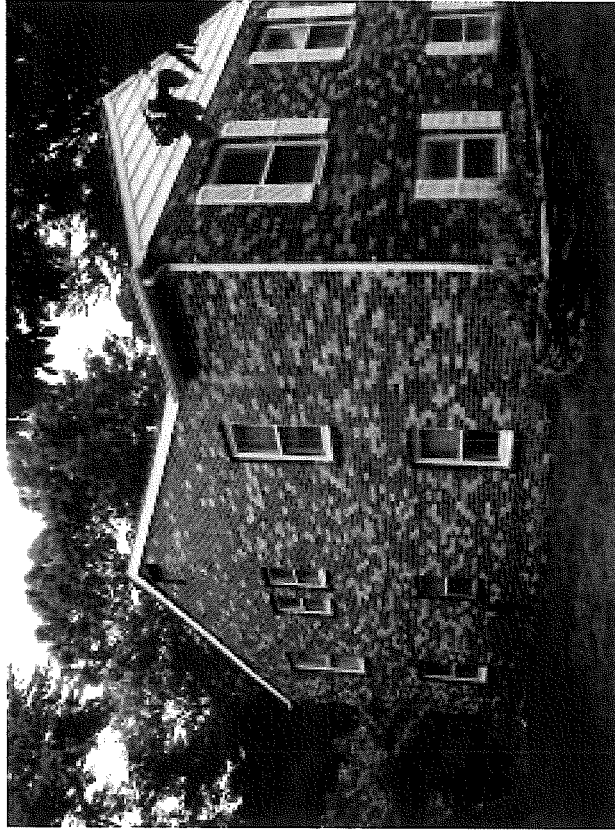


SP2011-0275



Front of House

SP 2011-0275



Left side of house.



SP2011-0275



Proposed Area of  
Sun Room

Right side of House

Proposed Area →  
of Sunroom



Right side rear of house

SP2011-0075



Rear of house from backyard

SP 2011-0275



Rt side of house Proposed area  
of sunroom

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SP 2011-0275

Front street side



Backyard



Rt side of house - proposed  
sun room location -



SP2011-0275

Existing house  
garage area



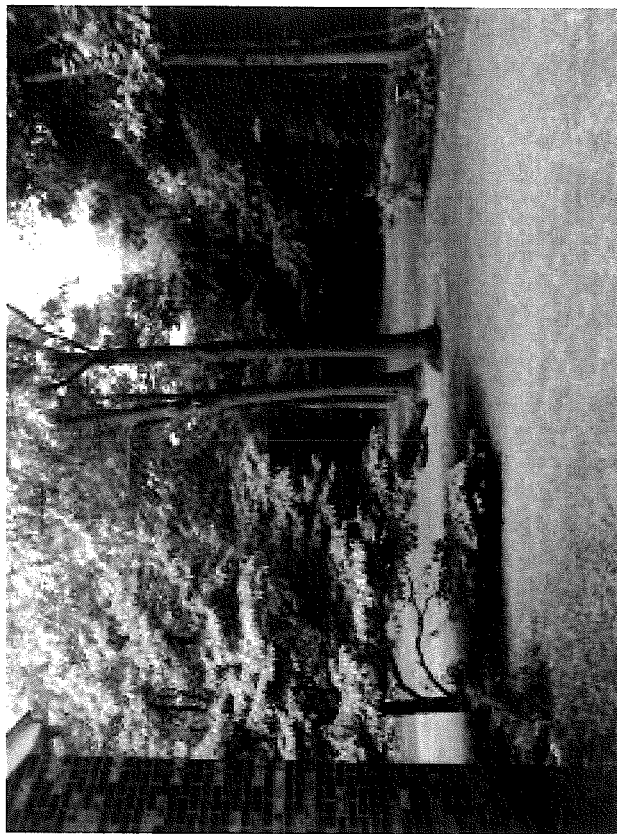
Neighbors view  
Right side of house

Approx property line

Driveway

SP 2011-0275

view from house of rear yard



SP 2011-0275

Street



Proposed sun  
room Rt side

Neighbors view  
of area



view towards Roberts Ave

SP 2011-0275

neighbor over fence



Existing House

front yard view  
of neighbor on left

STREET

SP2011-0275

Neighbor Across Street  
↓



— Roberts Ave is  
front of House

Driveway  
||

↑  
Front yard



SP 2011-0275

Roberts Ave →



street view from front yard

SP2001-0275

Neighbor on Right



Proposed sunroom  
Rt side of House →

Driveway

Roberts Ave

SP 2011-0275

Neighbor on Right



Existing House  
! Driveway ↗

Robert Ave

SP 2011-0275

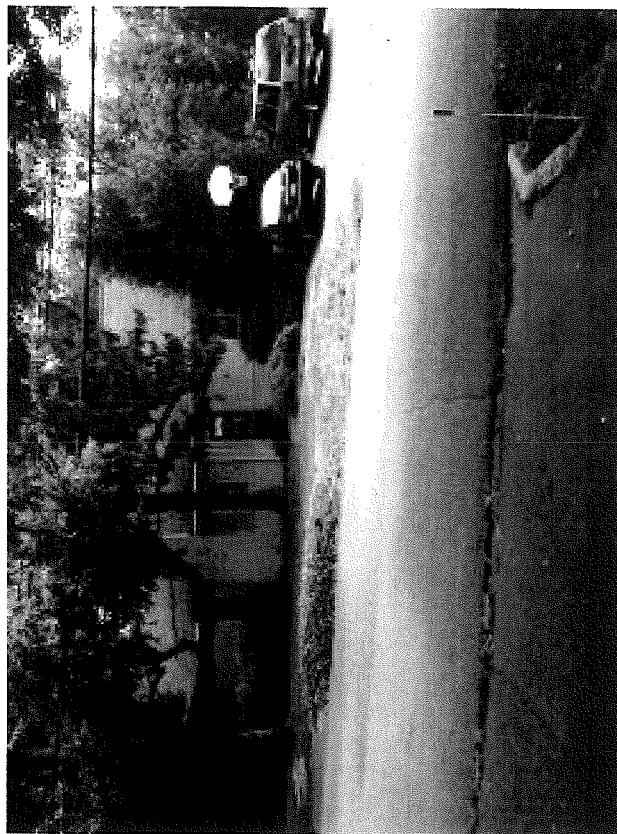
Reishbar on Right



Roberts Ave

Driveway

SP 2011-0275



Roberts Ave from Driveway



Roberts Ave →



Front yard.

**DESCRIPTION OF THE APPLICATION**

The applicant is seeking approval of a special permit to permit reduction of certain yard requirements for construction of an addition 12.2 ft. from the northern side lot line. The addition will be a sunroom.

	Structure	Yard	Min. Yard Req.*	Structure Location	Proposed Reduction	Percent of Reduction
<b>Special Permit</b>	<b>Addition</b>	Side	15 feet*	12.2 feet	2.8 feet	18.6%

\* Minimum yard requirement per Section 3-207

**EXISTING SITE DESCRIPTION**

The 21,780 square foot lot is currently zoned R-2 and developed with a one-story with walkout basement, single family detached dwelling. The minimum lot size in an R-2 district is 18,000 square feet. The lot slopes toward the dwelling from the street then away from the dwelling toward the rear of the lot. The property contains several mature deciduous and coniferous trees, shrubs and foundation plantings.

<b>Structure</b>	
<b>Floor Area</b>	2,450 square feet*
<b>Year Constructed</b>	1984
<b>Access</b>	hard-surfaced driveway that extends from Roberts Avenue
<b>Site Features</b>	Mature vegetation
<b>Easements</b>	None shown

\*According to the stamped drawings provided by the surveyor.

**CHARACTER OF THE AREA**

	<b>Zoning</b>	<b>Use</b>
<b>North</b>	R-2	Single-Family Detached Dwellings
<b>East</b>	R-2	Single-Family Detached Dwellings
<b>South</b>	R-2	Converted Residential Office
<b>West</b>	R-2	Single-Family Detached Dwellings

**BACKGROUND**

Following the adoption of the current Ordinance, the BZA has heard the following special permit and variance applications in the vicinity of the application parcel:

- Variance VC 91-M-139 was approved on February 12, 1992 for Tax Map 71-2 ((03)) 26, zoned R-2, at 6921 Alpine Drive to allow construction of addition 13.9 feet from side lot line.
- Variance VC 98-M-116 was approved February 17, 1999 for Tax Map 71-2 ((05)) 73A, zoned R-2, at 4328 Roberts Avenue to permit construction of addition 10.33 feet from side lot line.
- Special Permit Amendment SPA 93-M-054 was approved December 19, 2006 for Tax Map 71-2((01)) 12B, zoned R-2, at 6829 Little River Turnpike to permit reduction of certain yard requirements to permit construction of addition 23.41 feet from front lot line.
- Variance VC 2003-MA-063 was approved on July 10, 2002 for Tax Map 71-2 ((02)) 12A, zoned R-2, at 6926 and 6928 Alpine Drive to permit construction of an addition 11.8 feet from side lot line and 30.3 feet from front lot line

PLAT	
<b>Special Permit Plat</b>	Attached
<b>Title of SP Plat:</b>	Special Permit Plat, Part of Lots 9-15, Roberts Place Subdivision
<b>Prepared By:</b>	Harold A. Logan Associates P.C., dated 12/06/2011, signed by Harold A. Logan.

**Proposal:**

The applicant requests to add a sunroom on to the north side of the existing dwelling. The proposed addition will be located 12.2 feet, measured from the edge of the eave, from the side lot line. The Zoning Ordinance requires a minimum side yard of 15 feet in the R-2 Zoning District; therefore, a modification of 2.8 feet (18.6%) for the proposed addition is requested. Renderings provided by the applicant indicate the addition will be built with aluminum, glass, and a shingled pitched roof to match the existing dwelling.

The applicant indicated that there is an existing deck off the north side of the dwelling. The request will enclose the deck space that is currently used by the applicant. The applicant indicated that the north side of the dwelling is adjacent to the rear yards of the neighbors to the north. Staff measured the distance between the proposed structure and the adjacent dwellings to be approximately 200 feet.

## ZONING ORDINANCE REQUIREMENTS

Applicable bulk regulation(s) and additional location regulations are set forth on Page 1. The application must meet all of the following standards, copies of which are attached as Appendix 4:

- Sect. 8-006 General Special Permit Standards
- Sect. 8-903 Group 9 Standards
- Sect. 8-922 Provisions for Reduction of Certain Yard Requirements

### **Sect. 8-006 General Special Permit Standards**

Staff believes that the application meets all of the 8 General Special Permit Standards with notes regarding General Standards 3.

*General Standard 3 requires that the proposed uses be harmonious with and not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The general character of the residential neighborhood is mixed and there are several commercial uses along Little River Turnpike. There is existing mature vegetation and the addition will be largely obscured by existing mature trees. The addition will be built with glass since it is a sunroom addition. The proposed roof will be pitched and shingled similar to the existing home.*

### **Sect. 8-922 Provisions for Reduction of Certain Yard Requirements**

This special permit application must satisfy all of the provisions contained in Sect. 8-922, Provisions for Reduction of Certain Yard Requirements. Standards 1, 2, 3, 11 and 12 relate to submission requirements and were satisfied at the time of submission. Standard 5 relates to existing accessory structures, which does not apply to this application and Standard 10 allows the BZA to impose development conditions. *Staff believes that the application has met all of the remaining standards, specifically Standards 4, 6, 7, 8, and 9.*

*Standard 4 states that the resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed; no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed. According to the stamped drawings provided by the engineer, the existing dwelling has 2,450 square feet of living area. Therefore 150% of the total gross floor area could result in an addition up to 3,675 square feet square feet in size for a possible total building size of 6,125 square feet above-grade living area. The proposed addition is approximately 130 square feet in area, thereby realizing a total house size of 2,580 square feet. Therefore the application meets this provision.*

*Standard 6 states that the BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot. The elevation drawings submitted indicate that the materials, size and scale of the proposed addition will be compatible with the existing structure. The sunroom roof will be shingled to match the existing dwelling. The addition is clearly subordinate in bulk and scale to the principal dwelling and the proposed addition will not create any additional height to the overall existing structure. Staff believes the application meets this provision.*

*Standard 7 states that the BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director. It appears the proposed improvements are compatible with the surrounding houses in the neighborhood. The surrounding neighborhood contains a mix of styles of residential homes. The proposed exterior building materials are consistent with the on-site dwelling and compatible with those in the neighborhood. Staff believes the application meets this provision.*

*Standard 8 states that the BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff. There is no RPA on the property. The addition adds minimal impervious area and is a replacement over an existing deck. The side lot of the subject parcel is the rear lot of the northern abutting properties. There is approximately 200 feet separation between the rear of the adjacent dwellings and the proposed sunroom. Staff believes this standard is met.*

*Standard 9 states that the BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic field; location of easements; and/or preservation of historic resources. The proposed addition is in an area without existing trees. The area of the addition is off the side of the existing dwelling into the side lot of the property. The abutting properties to the north are oriented in a way such that the rears of the properties abut the side lot of the subject parcel. There is a large rear yard, approximately 200 feet, separating the proposed sunroom from the adjacent dwellings. It appears there will be no impact to existing vegetation and no new impervious area because it is a replacement over an existing deck therefore staff believes that the application meets this provision.*

**CONCLUSION**

Staff finds that the subject application is in conformance with the applicable Zoning Ordinance provisions with the implementation of the Proposed Development Conditions contained in Appendix 1 of the staff report.

**RECOMMENDATION**

Staff recommends approval of SP 2011-MA-111 for the addition, subject to the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

**APPENDICES**

1. Proposed Development Conditions with Attachment 1
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Applicable Zoning Ordinance Provisions

## PROPOSED DEVELOPMENT CONDITIONS

SP 2011-MA-111

February 22, 2012

If it is the intent of the Board of Zoning Appeals to approve SP 2011-MA-111 located at 4412 Roberts Avenue, Tax Map 71-2 ((05)) 9A to permit reduction of certain yard requirements pursuant to Section 8-922 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. These conditions shall be recorded by the applicant among the land records of Fairfax County for this lot prior to the issuance of a building permit. A certified copy of the recorded conditions shall be provided to the Zoning Permit Review Branch, Department of Planning and Zoning.
2. This special permit is approved for the location and size (approximately 130 square feet) of the addition, as shown on the plat prepared by Harold A. Logan Associates P.C., dated December 6, 2011, signed by Harold A. Logan, Land Surveyor, submitted with this application and is not transferable to other land.
3. Pursuant to Paragraph 4 of Section 8-922 of the Zoning Ordinance, the resulting gross floor area of an addition to the existing principal structure may be up to 150 percent of the gross floor area of the dwelling that existed at the time of the first expansion (2,450 square feet existing + 3,675 square feet (150%) = 6,125 square feet maximum permitted on lot) regardless of whether such addition complies with the minimum yard requirement or is the subject of a subsequent yard reduction special permit. Notwithstanding the definition of gross floor area as set forth in the Ordinance, the gross floor area of a single family dwelling for the purpose of this paragraph shall be deemed to include the floor area of any attached garage. Subsequent additions that meet minimum yard requirements shall be permitted without an amendment to this special permit.
4. The addition shall generally be consistent with the architectural renderings and materials as shown on Attachment 1 to these conditions.

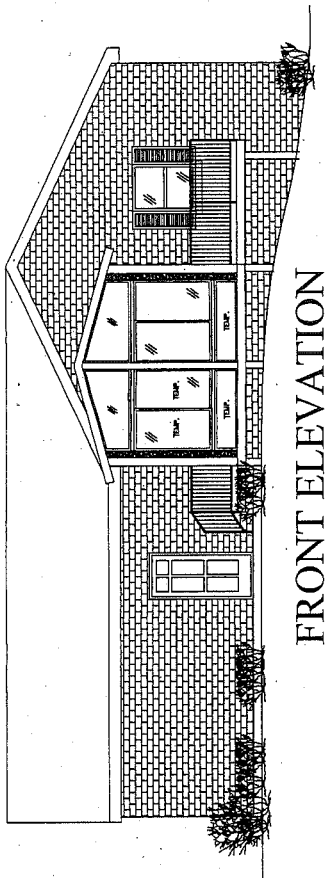
This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless construction has commenced and has been diligently prosecuted. The Board of Zoning Appeals may grant additional time to commence construction if a written request for additional

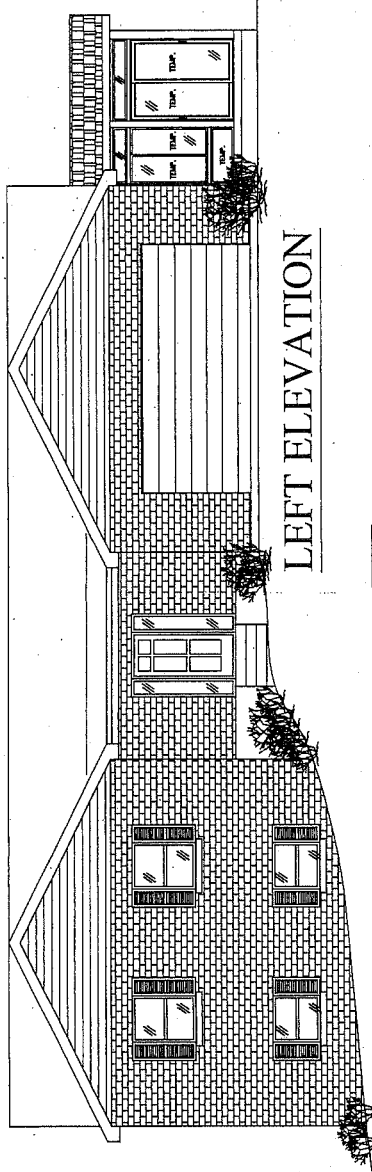
time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.



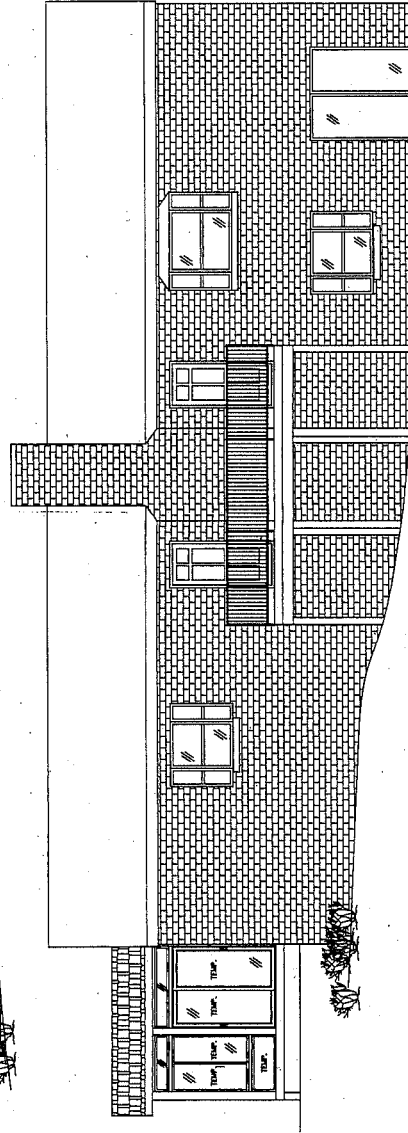
# ELEVATIONS



FRONT ELEVATION



LEFT ELEVATION



RIGHT ELEVATION

RECEIVED  
Department of Planning & Zoning  
DEC 15 2011  
Zoning Evaluation Division

THESE DRAWINGS ARE VALID ONLY WITH ORIGINAL  
WALZ ENGINEERING STAFF ENGINEER SIGNATURE &  
SEAL. VALID ENGINEER NAME WILL APPEAR ON THE  
TITLE BLOCK OF THESE DRAWINGS. NO PHOTOCOPY  
OR THIRD PARTY ENGINEER SEAL OR SIGNATURE IS  
ACCEPTABLE AND MAKES THESE DRAWINGS VOID.

COMMONWEALTH OF VIRGINIA  
Professional Engineer Seal  
No. 0402 035439  
PRINTED, SIGNED AND SEALED ON: 12/12/11

**BW**  
ENGINEERING  
WALZ ENGINEERING LLC  
11111 HALL RD., SUITE 110  
UTICA, MI 48317

FILE # CMDC-AL-HARDESTY  
DEALER: CHAMPION OF WASHINGTON DC  
HARDESTY  
4412 ROBERTS AVE.  
ANNANDALE, VA 22003  
DRAWN BY: ALEX BUECHEL  
SCALE: 1/4"=1'  
DATE: 7/18/11  
P

SHEET  
1

Application No.(s): \_\_\_\_\_  
 (county-assigned application number(s), to be entered by County Staff)

### SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE: 11/29/2011  
 (enter date affidavit is notarized)

I, Ben Brownrigg 11/29/2011, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one) ☐ applicant  
☒ applicant's authorized agent listed in Par. 1(a) below

113740

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS and REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

**(NOTE:** All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Thomas E. Hardesty, 111	4412 Roberts Ave. Annandale, Va. 22003	Applicant, Title Owner
Judith E. Hardesty	4412 Roberts Ave. Annandale, Va. 22003	Title Owner
Champion Window Company of Gaithersburg, LLC	9436 Gaither Road Gaithersburg, Md. 20877	Agent
Benjamin R. Brownrigg	9436 Gaither Road Gaithersburg, Md. 20877	Agent

(check if applicable) ☐ There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No.(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/29/2011  
(enter date affidavit is notarized)

113740

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Champion Window Company of Gaithersburg, LLC  
9436 Gaither Road  
Gaithersburg, MD 20877

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Scott T. Halle  
Dennis J. Manes  
Donald B. Jones  
Martin M. Hiudt  
Joseph G. Faisant

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No(s): \_\_\_\_\_  
(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/29/2011  
(enter date affidavit is notarized)

113740

- 1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

(check if applicable) ☒ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner, Limited Partner, or General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No.(s): \_\_\_\_\_  
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Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/29/2011  
(enter date affidavit is notarized)

113740

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

None

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (**NOTE:** If answer is none, enter "NONE" on the line below.)

None

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s): \_\_\_\_\_

(county-assigned application number(s), to be entered by County Staff)

Page Five

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE: 11/29/2011  
(enter date affidavit is notarized)

113740

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on line below.)

None

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable) ☐ There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

☐ Applicant

☒ Applicant's Authorized Agent

Ben Brownrigg

(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 29<sup>th</sup> day of November 2011, in the State/Comm. of Maryland, County/City of Carroll.

[Signature]  
Notary Public

My commission expires: 12/28/2012

**Statement of Justification & Use**

The existing use of the property located at **4412 Roberts Ave. Annandale, Va 22003** is a single family dwelling. This dwelling is residential in nature, and fronts Roberts Avenue. The existing structure is detached in nature. The intention of this application is to add a very modest, 10' x 13', one (1) story sunroom and an 8' x 10' wood deck addition to the right side of the existing dwelling. The addition will be used as additional space to the existing residential dwelling. This proposed addition will consist of an aluminum extrusion frame, with white exterior and interior vinyl cladding snap covers, White vinyl frame windows with Champion 365 Comfort glass. The roof will be shingled to match the existing structure. The room is built on a wood deck platform and has walls approx. 8' feet tall with a modest pitch gable roof line. The setback to the rear and front is much more than that required, and thus is of no concern here.

Thank you for your consideration.

Tom & Judy Hardesty

*Judith Hardesty*

10/18/11

*Thomas E. Hardesty*

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Zoning Evaluation Division

**Statement of Justification & Use**

Property located at 4412 Roberts Ave.

There is no known hazardous or toxic substances stored or disposed of on the site. No known containers or existing or proposed to be utilized on the site.

The property was purchased through ordinary means and thus acquired in good faith.

The authorization of the variance will not affect the neighboring properties in any way.

The addition will be on the right side of house and neighboring property is wooded as shown in pictures.

The property currently conforms to all applicable ordinances, regulations and adopted standards.

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## Statement of Justification & Use

### Statements concerning 8-922

#### Hardesty Project

1-A thru D- The resulting reduction of the side yard setback is subject to the items mentioned in A thru D.

- A- Minimum side yard as specified in the residential, commercial, industrial and planned development.
- B- Yard pipe stem is not applicable
- C- Accessory structure not applicable, added accessory is going to be attached to principal structure.
- D- Within these regulations we request a reduction in side yard setback.

2 – The reduction if side yard setback does not result in the placement of a detached accessory structure.

3- The lot contains a principal structure and use was conforming when structure was established.

4- The resulting gross floor area is less than the 150 percent allowed.

Current gross floor area = 2450 sq ft

Proposed gross floor area = 2580 sq ft

5- The resulting gross floor area is subordinate in purpose and scale.

6- BZA

7- BZA

8- BZA

9-BZA

10-BZA

11- Revised Plat submitted

12- Drawings submitted

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NOV 16 2011

Zoning Evaluation Division

SP 2011-0275

Statements concerning 930.00

The increase in GFA resulting from the added sun room will be 5.3 %.

The resulting GFA is within the allowable criteria for proposed addition.

Current GFA = 2450 sq. ft.

Proposed GFA = 2580 sq. ft.

Resulting in a 5.3 % increase.

Don Handesty

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DEC 15 2011

Zoning Evaluation Division

Fairfax County:

We are asking for a variance to our property in order to replace an old deck with a new deck and patio enclosure that would allow us to use the room 3/4 of the year. Also, it would increase the value of our home. The problem at this time is the front of our house runs parallel to the street, but the property line from front to back runs at an angle. The deck we have now is within code, but with the enclosure we come up a little short of being within the property line. We do not feel that this enclosure will impact our neighbors because the north side of the house, where the patio enclosure will be, faces a wooded area that has been vacant the entire time we have lived here.

Judy and Tom Hardesty

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### **8-006 General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

### **8-903 Standards for All Group 9 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 9 special permit uses shall satisfy the following standards:

1. All uses shall comply with the lot size and bulk regulations of the zoning district in which located, except as may be qualified below.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, shall be subject to the provisions of Article 17, Site Plans, or other appropriate submission as determined by the Director.

### **8-922 Provisions for Reduction of Certain Yard Requirements**

The BZA may approve a special permit to allow a reduction of certain yard requirements subject to all of the following:

1. Only the following yard requirements shall be subject to such special permit:
  - A. Minimum required yards, as specified in the residential, commercial, industrial and planned development districts in Articles 3, 4, 5 and 6, provided such yards are not subject to proffered conditions or development conditions related to yards and/or such yards are not depicted on an approved conceptual development plan, final development plan, development plan, special exception plat, special permit plat or variance plat.
  - B. Yard regulations for pipestem lots and lots contiguous to pipestem driveways set forth in Sect. 2-416.
  - C. Accessory structure location requirements set forth in Sect. 10-104.
  - D. Regulations on permitted extensions into a minimum required yard as set forth in Sect. 2-412.

Approval of a reduction of yard requirements specified in Paragraphs A, B and C above shall not result in any yard that is less than fifty (50) percent of the requirement and shall not result in any yard of less than five (5) feet, as measured from the lot line to the closest point of the proposed structure.

Approval of a reduction of yard requirements specified in Par. D above shall not result in an extension that exceeds the applicable distances set forth in Sect. 2-412 by more than fifty (50) percent. Where no extension is permitted by the provisions of Sect. 2-412, the BZA shall not approve a special permit that results in a structure that extends into a minimum required yard by more than fifty (50) percent.

2. Such reduction shall not result in the placement of a detached accessory structure in a front yard where the placement of such accessory structure is not otherwise permitted in that yard.

3. This special permit shall only apply to those lots that contain a principal structure and use that complied with the minimum yard requirements in effect when the use or structure was established.
4. The resulting gross floor area of an addition to an existing principal structure may be up to 150 percent of the total gross floor area of the principal structure that existed at the time of the first yard reduction request. In such instance, if a portion of the principal structure is to be removed, no more than fifty (50) percent of the gross floor area of the existing principal structure at the time of the first yard reduction shall be removed.
5. The resulting gross floor area of an existing accessory structure and any addition to it shall be clearly subordinate in purpose, scale, use and intent to the principal structure on the site.
6. The BZA shall determine that the proposed development will be in character with the existing on-site development in terms of the location, height, bulk and scale of the existing structure(s) on the lot.
7. The BZA shall determine that the proposed development is harmonious with the surrounding off-site uses and structures in terms of location, height, bulk and scale of surrounding structures, topography, existing vegetation and the preservation of significant trees as determined by the Director.
8. The BZA shall determine that the proposed development shall not adversely impact the use and/or enjoyment of any adjacent property with regard to issues such as noise, light, air, safety, erosion, and stormwater runoff.
9. The BZA shall determine that the proposed reduction represents the minimum amount of reduction necessary to accommodate the proposed structure on the lot. Specific factors to be considered include, but are not limited to, the layout of the existing structure; availability of alternate locations for the addition; orientation of the structure(s) on the lot; shape of the lot and the associated yard designations on the lot; environmental characteristics of the site, including presence of steep slopes, floodplains and/or Resource Protection Areas; preservation of existing vegetation and significant trees as determined by the Director; location of a well and/or septic

field; location of easements; and/or preservation of historic resources.

10. The BZA may impose such conditions as it deems necessary to satisfy these criteria, including, but not limited to imposition of a maximum gross floor area, floor area ratio, lot coverage, landscaping and/or screening requirements.
11. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by fifteen (15) copies of a plat and such plat shall be presented on a sheet having a maximum size of 24" x 36", and one 8 ½" x 11" reduction of the plat. Such plat shall be drawn to a designated scale of not less than one inch equals fifty feet (1" = 50'), unless a smaller scale is required to accommodate the development. Such plat shall be certified by a professional engineer, land surveyor, architect, or landscape architect licensed by the State of Virginia. Such plat shall contain the following information:
  - A. Boundaries of entire property, with bearings and distances of the perimeter property lines, and of each zoning district.
  - B. Total area of the property and of each zoning district in square feet or acres.
  - C. Scale and north arrow, with north, to the extent feasible, oriented to the top of the plat and on all supporting graphics.
  - D. The location, dimension and height of any building, structure or addition, whether existing or proposed. In addition, for decks, the height of the finished floor above finished ground level.
  - E. All required minimum yards to include front, side and rear, a graphic depiction of the angle of bulk plane, if applicable, and the distances from all existing and proposed structures to lot lines.
  - F. Means of ingress and egress to the property from a public street(s).
  - G. For nonresidential uses, the location of parking spaces, indicating minimum distance from the nearest property line(s).



- H. If applicable, the location of a well and/or septic field.
  - I. Existing and proposed gross floor area and floor area ratio.
  - J. Location of all existing utility easements having a width of twenty-five (25) feet or more, and all major underground utility easements regardless of width.
  - K. The location, type and height of any existing and proposed landscaping and screening.
  - L. Approximate delineation of any floodplain designated by the Federal Insurance Administration, United States Geological Survey, or Fairfax County, the delineation of any Resource Protection Area and Resource Management Area, and the approximate delineation of any environmental quality corridor as defined in the adopted comprehensive plan, and, if applicable, the distance of any existing and proposed structures from the floodplain, Resource Protection Area and Resource Management Area, or environmental quality corridor.
  - M. Seal and signature of professional person certifying the plat.
12. Architectural depictions of the proposed structure(s) as viewed from all lot lines and street lines to include building materials, roof type, window treatment and any associated landscaping and/or screening shall be provided.